IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3932 OF 2004

Devidas Vishram Powar .. Petitioner

Versus

Dharod Apt.Coop.Housing

Society Ltd. & Ors. .. Respondents

Mr.D.V.Powar petitioner in person

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th January 2006.

P.C.

. This petition under Article 227 of the Constitution of India challenges an order passed by Divisional Joint Registrar in revision

exercising revisional powers under section 154 of Maharashtra Cooperative Societies Act, 1960. Petitioner does not dispute that his revision is challenging recovery certificate issued by the Assistant Registrar under section 101 of the M.C.S.Act. Revision application, therefore, cannot be entertained unless there is compliance with section 154(2A), provisions of which have been held to be constitutionally valid. Revisional authority has given liberty to petitioner applicant to comply with the mandate of section 154(2A) of the M.C.S.Act.

2. Petitioner insists that he need not comply with this provision because recovery certificate is issued without complying with principles of natural justice and in an arbitrary manner. The same is not issued by the authority competent to issue the same under the Act.

3. In my view, all such contentions can be

no answer for non-compliance with the mandate of aforesaid statutory provisions. All that Divisional Joint Registrar says in the impugned order dated 28th January 2004 is that the revision application is dismissed because of non compliance with this provision. If 50% of the recoverable dues is deposited by petitioner applicant, it will be for him to apply to the Divisional Joint Registrar for taking up his revision application and if the said authority is satisfied that the above statutory provisions are complied with and the delay in complying with the same is explained satisfactorily, he shall proceed thereafter in accordance with law. Petition dismissed.

(S.C.DHARMADHIKARI, J)